

Message Text

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ACTION EUR-12

INFO OCT-01 EA-06 ISO-00 EURE-00 SSO-00 NSCE-00 INRE-00

USIE-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07 FRB-03

INR-07 IO-10 NEA-09 NSAE-00 OPIC-03 SP-02 TRSE-00

CIEP-01 LAB-04 SIL-01 OMB-01 ERDA-05 DODE-00 FEAE-00

FPC-01 H-02 INT-05 L-02 NSC-05 PM-03 SAM-01 OES-03

SS-15 STR-04 /119 W

----- 055712

O R 161134Z MAY 75

FM USMISSION OECD PARIS

TO SECSTATE WASH DC IMMEDIATE 7077

INFO AMEMBASSY TOKYO

AMEMBASSY OSLO

AMEMBASSY LUXEMBOURG

AMEMBASSY BRUSSELS

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E.O. 11652: N/A

TAGS: ENRG, OECD, JA

SUBJECT: IEP - CONSENT TO BE BOUND

1. SECRETARIAT INFORMS US THAT JAPANESE HAVE ACCEPTED LANTZKE'S VIEW THAT GB CONCLUSIONS CONCERNING APPLICATION TO JAPAN OF IEP AGREEMENT SHOULD PROVIDE THAT, IF ANY PROBLEMS ARISE IN THE FUTURE CONCERNING APPLICATION OF THE AGREEMENT UNDER JAPANESE LAW, THE JAPANESE GOVERNMENT WILL NOTIFY THE GOVERNING BOARD WITHOUT DELAY IN ORDER TO CONSULT WITH IT AS TO APPROPRIATE MEASURES REQUIRED TO MEET THE SITUATION. WE UNDERSTAND THIS FORMULATION IS ACCEPTABLE TO US. TEXTS OF DRAFT CONCLUSIONS AND JAPANESE LETTER, WHICH WILL BE DISCUSSED UNDER "OTHER BUSINESS" AT MAY 20 GB MEETING, ARE CON-

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TAINED IN PARAS 3 AND 4 BELOW.

2. SECRETARIAT ALSO INFORMS US THAT, AS OF MAY 14, TWO COUNTRIES, LUXEMBOURG AND NORWAY, HAVE DEPOSITED NOTIFICATIONS OF CONSENT TO BE BOUND.

3. GB CONCLUSIONS:

BEGIN TEXT

1. THE CHAIRMAN OF THE GOVERNING BOARD AND THE GOVERNMENT OF BELGIUM HAVE EACH RECEIVED COMMUNICATIONS BY WHICH THE GOVERNMENT OF JAPAN HAS INVOKED THE PROCEDURE PROVIDED IN ARTICLE 13(B) OF THE DECISION OF THE COUNCIL OF THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT OF 15TH NOVEMBER, 1974 ESTABLISHING THE AGENCY (C(74)203(FINAL)). THE TEXT OF THE LETTER RECEIVED BY THE CHAIRMAN OF THE GOVERNING BOARD IS SET FORTH IN ANNEX I HERETO AND THE TEXT OF THE LETTER RECEIVED BY THE GOVERNMENT OF BELGIUM IS SET FORTH IN ANNEX II HERETO.

2. ARTICLE 13 OF THAT DECISION OF THE ORGANIZATION PROVIDES AS FOLLOWS:

"ARTICLE 13

(A) A PARTICIPATING COUNTRY FOR WHICH THE AGREEMENT SHALL HAVE CEASED TO BE IN FORCE OR TO APPLY PROVISIONALLY SHALL BE DEEMED TO HAVE WITHDRAWN FROM THE AGENCY.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A), A COUNTRY WHOSE GOVERNMENT SHALL HAVE SIGNED THE AGREEMENT MAY, UPON WRITTEN NOTICE TO THE GOVERNING BOARD AND TO THE GOVERNMENT OF BELGIUM TO THE EFFECT THAT THE ADOPTION OF THE PROGRAM BY THE GOVERNING BOARD IS BINDING ON IT PURSUANT TO THIS DECISION, REMAIN A PARTICIPATING COUNTRY OF THE AGENCY AFTER THE AGREEMENT SHALL HAVE CEASED TO APPLY FOR IT, UNLESS THE GOVERNING BOARD DECIDES
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OTHERWISE. SUCH A COUNTRY SHALL HAVE THE SAME OBLIGATIONS AND THE SAME RIGHTS AS A PARTICIPATING COUNTRY OF THE AGENCY FOR WHICH THE AGREEMENT SHALL HAVE ENTERED DEFINITELY INTO FORCE."

3. THE JAPANESE DELEGATION HAS INDICATED THE INTENTION OF THE GOVERNMENT OF JAPAN THAT SHOULD ANY PROBLEMS ARISE IN THE FUTURE, THE GOVERNMENT OF JAPAN WILL NOTIFY

THE GOVERNING BOARD OF THE AGENCY WITHOUT DELAY IN ORDER
TO CONSULT WITH IT AS TO APPROPRIATE MEASURES REQUIRED
TO MEET THE SITUATION.

4. THE GOVERNING BOARD MAY ACCORDINGLY WISH TO ADOPT
THE FOLLOWING ENTRY IN ITS CONCLUSIONS:

"THE GOVERNING BOARD
(A) NOTED THE LETTERS SET OUT IN DOCUMENT IEA/GB(75)30
(ANNEXES I & II) ADDRESSED TO THE GOVERNMENT OF
BELGIUM AND THE GOVERNING BOARD, BY WHICH THE
GOVERNMENT OF JAPAN WITH EFFECT FROM 30TH APRIL,

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1975 INVOKED THE PROCEDURE PROVIDED IN ARTICLE
13(B) OF THE DECISION OF THE COUNCIL ESTABLISHING
AN INTERNATIONAL ENERGY AGENCY OF THE ORGANIZATION
(C(74)203(FINAL)).

(B) NOTED THAT UNDER ARTICLE 13(B) OF THE DECISION OF
THE COUNCIL, JAPAN "SHALL HAVE THE SAME OBLIGATIONS
AND THE SAME RIGHTS AS A PARTICIPATING COUNTRY OF
THE AGENCY FOR WHICH THE AGREEMENT SHALL HAVE
ENTERED DEFINITELY INTO FORCE."

(C) NOTED THE INTENTION OF THE GOVERNMENT OF JAPAN THAT,
SHOULD ANY PROBLEMS ARISE IN THE FUTURE, THE GOVERN-
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MENT OF JAPAN WILL NOTIFY THE GOVERNING BOARD OF
THE AGENCY WITHOUT DELAY IN ORDER TO CONSULT WITH
IT AS TO APPROPRIATE MEASURES REQUIRED TO MEET THE
SITUATION." END TEXT

4. TEXT OF LETTER TO THE GOVERNING BOARD CHAIRMAN (AND
TO BELGIAN GOVERNMENT):

BEGIN TEXT

YOUR EXCELLENCY,

WITH REFERENCE TO ARTICLE 13(B) OF THE DECISION OF
THE COUNCIL OF THE ORGANIZATION FOR ECONOMIC COOPERATION
AND DEVELOPMENT OF NOVEMBER 15, 1974, ESTABLISHING AN
INTERNATIONAL ENERGY AGENCY (C(74)203(FINAL)), I HAVE THE
HONOR TO INFORM YOU UNDER THE INSTRUCTION OF MY GOVERN-
MENT THAT THE ADOPTION OF INTERNATIONAL ENERGY PROGRAM
BY THE DECISION OF NOVEMBER 18, 1974 OF THE GOVERNING
BOARD OF THE INTERNATIONAL ENERGY AGENCY (IEA/GB/DEC.
74/1) IS BINDING ON THE GOVERNMENT OF JAPAN PURSUANT TO
THE ABOVE-MENTIONED DECISION OF THE COUNCIL OF OECD.

I HAVE FURTHER THE HONOR TO INFORM YOU THAT THE
OBLIGATIONS PROVIDED FOR IN THE INTERNATIONAL ENERGY
PROGRAM WILL BE CARRIED OUT BY THE GOVERNMENT OF JAPAN
UNDER THE LAWS AND REGULATIONS IN FORCE IN THE COUNTRY.

I AVAIL MYSELF OF THIS OPPORTUNITY TO RENEW TO YOU
THE ASSURANCE OF MY HIGHEST CONSIDERATION.

(SIGNED) TSUYOSHI HIRAHARA (ISAO ABE)
AMBASSADOR OF JAPAN

END TEXT

KATZ

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Message Attributes

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Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
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